

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHERI L. FRAMALINO,

Plaintiff,

v.

Case No. 12-CV-13337
HON. GEORGE CARAM STEEH

BANK OF AMERICA, N.A.,
f/k/a COUNTRYWIDE HOME
LOANS, INC., d/b/a AMERICA'S
WHOLESALE LENDER, INC.,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,
FEDERAL NATIONAL MORTGAGE
ASSOCIATION AS TRUSTEE FOR
FANNIE MAE REMIC TRUST 2004-95,

Defendants.

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ORDER GRANTING DEFENDANTS' MOTION TO DISMISS (#8)

On June 18, 2012, plaintiff filed this action in Wayne County Circuit Court asserting a quiet title claim against defendants Bank of America, N.A., Mortgage Electronic Registration Systems, Inc. ("MERS"), and Federal National Mortgage Association ("Fannie Mae") as Trustee for Fannie Mae REMIC Trust 2004-95. On July 30, 2012, defendants removed the case to this court. On October 31, 2012, defendants filed a motion to dismiss arguing that plaintiff fails to state a claim and that plaintiff lacks standing to challenge the validity of the assignments of the mortgage or the validity of defendants' security interests in the loan. Oral argument occurred at a hearing on the motion on January 30, 2013. At oral argument, although plaintiff had filed a response opposing defendants' motion to dismiss, plaintiff conceded failure to state a claim and lack of standing. She asked the

court to dismiss her claim without prejudice out of a concern that a dismissal with prejudice would foreclose possible claims she might assert if defendants undertake to foreclose on the property. However, plaintiff failed to articulate a sufficient reason for the court to enter an order of dismissal without prejudice. Defendants' motion to dismiss is therefore GRANTED and plaintiff's complaint is DISMISSED with prejudice.

Dated: January 30, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
January 30, 2013, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk